

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JASON FISHBAIN,

No. C 04-490 SBA

Plaintiff,

**ORDER**

v.

DOUGLAS MERTZ,

Defendant.

This matter comes before the Court on the parties' stipulated request to vacate the pretrial and trial dates, continue the hearing on Defendant's Motion for Summary Judgment, and set a Case Management Conference for May 17, 2005. The parties make this request because Plaintiff's counsel has recently been diagnosed with a life-threatening condition rendering him unable to continue representing Plaintiff.<sup>1</sup>

Although the parties speculate that Plaintiff will be unable to obtain new counsel without vacation of the current schedule, the Court is not persuaded, at this juncture, that vacation of all pretrial and trial deadlines is warranted. Trial in this action is set for October 31, 2005, and the discovery cut-off date is not until August 29, 2005. Accordingly, the parties' request to vacate these dates is DENIED WITHOUT PREJUDICE.

<sup>1</sup>As a preliminary matter, the Court notes that the parties failed to file a hard-copy of the instant stipulation. The Court reminds the parties that they are required to file a hard-copy of all e-filed documents, pursuant to the Court's standing order. In addition, the parties failed to provide a proposed order as required under Civil Local Rule 7-12.

1 The parties' request to continue hearing on Defendant's Motion for Summary Judgment to June  
2 21, 2005, at 1:00 p.m. is GRANTED.

3 In addition, the parties' request to schedule a Case Management Conference is GRANTED. A  
4 Case Management Conference in this action is set for **May 18, 2005 at 3:30 p.m.** and will proceed  
5 **telephonically**. The parties shall **meet and confer** prior to the conference and shall prepare a joint Case  
6 Management Conference Statement which shall be filed no later than **May 16, 2005**. Plaintiff shall be  
7 responsible for filing the statement as well as for arranging the conference call. All parties shall be on the  
8 line and shall call (510) 637-3559 at the above indicated date and time.

9 IT IS SO ORDERED.

10  
11 Dated: 5-12-05

/s/ Sandra Brown Armstrong  
SAUNDRA BROWN ARMSTRONG  
United States District Judge